

Remarks

Claims 1, 8, 22 and 23 are cancelled.

Claims 9, 12, 14, 15, 16 and 24 are amended.

Claim 9 is amended to rewrite it into an independent claim. Claims 12, 14, 15 and 16 are amended to recite proper claim dependency. Claim 24 is amended to recite the structural formula of claim 9 and to change “consisting essentially of” to “comprising”. Support for this amendment can be found in claims 1 and 9 as originally filed.

Claims 25 and 26 are added. Claim 25 finds support in claim 8 as originally filed. Claim 26 finds support in claims 1 and 9 as originally filed.

Applicant reserves the right to pursue the subject matter of the originally filed claims in a continuing application.

No new matter has been added.

Rejection under 35 U.S.C. § 102(b)

WO 98/25644:

Claim 24 is rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/25644.

Claim 24 is now amended to recite an agent disclosed in the provisional application to which priority is claimed. Accordingly, WO98/25644 is no longer prior art under 35 U.S.C. § 102(b).

Should the Examiner consider WO 98/25644 to be prior art under 35 U.S.C. § 102(a), Applicant submits that the date of invention of the claimed invention is prior to the publication date of WO98/25644. Applicant is in the process of preparing a declaration under 37 CFR 1.131 to swear behind the reference and will submit the declaration in a supplemental amendment shortly. Upon receipt of the declaration, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Notwithstanding the above, new claim 26 recites a method that “consists of” administering the active agent and a pharmaceutically acceptable carrier. The claim therefore excludes the administration of GLP-2. The claim is not anticipated by WO 98/25644.

WO 99/38501:

Claims 1, 8, 12, 14-16 and 24 are rejected under 35 U.S.C. § 102(a) as being anticipated by WO 99/38501.


Claims 1 and 8 are cancelled. Claims 12 and 14-16 are amended to depend from now amended claim 9. Claim 24 is amended to recite the formula of claim 9. New claim 26 recites the same formula. The formula of claims 9, 24 and 26 is supported in the provisional application to which priority is claimed and which has a filing date before the publication date of WO 99/38501. Claim 9 was not rejected in view of WO 99/38501. Accordingly, for at least these reasons, the claims as now amended are not anticipated by WO 99/38501.

The Examiner is respectfully requested to reconsider and withdraw the rejection.

Summary

If the Examiner has any questions and believes that a telephone conference with Applicant's representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 646-8266.

Respectfully submitted,
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